From: Caleb Dalton
To: Cummings, Torey (CRT); Robert Potter; "Lareau, Alyssa (CRT)"; Vaughan, Aria (CRT); Stephens, Bob; "Stewart, William"; "Bowers, Karl"; "Christopher Brook"; "Pratt, Carolyn"; Stoughton, Corey (CRT); "Chase Strangio"; cynthia.robertson@pillsburylaw.com; David Cortman; "Dewart, Deborah"; Bensing, Dwayne (CRT); "Elizabeth Gill"; "Gordon, Frank"; "Nager, Glen"; "Schaerr, Gene"; Jim Campbell; "Jon Davidson"; "James Esseks"; Joseph E. La Rue; "Burnham, James"; Newton, Jonathan (CRT); Jeremy Tedesco; Ken Connelly; "Duncan, Kyle"; "Kerri Elliott"; "Kyle Palazzolo"; Kristen Waggoner; "Platzer, Luke C."; mark@sigmonlawfirm.com; Matt Sharp; nathaniel.smith@pillsburylaw.com; "Francisco, Noel"; "Peter Renn"; "Smith, Paul M."; "Driscoll, Robert"; Rand, Ripley (USANCM); Keveney, Sean R (CRT); "Wilkens, Scott B."; "Tara Borelli"; "Brooks, Tyler"; "Ziko, Thomas"; "Tim Shail"; Pellegrino, Whitney (CRT); "Kristen A Lejnieks"; jmgore@jonesday.com; Phoenix, Candyce (CRT); Leah McDowell; chris@osbornconflictresolution.com; The Law Firm of Curt C. Hartman; Lee, Jason (CIV); Berwick, Benjamin L. (CIV); Gardner, Joshua E (CIV); Nestler, Emily B. (CIV); de Kervor, Dylan (CRT); Carney, Chris (CRT)
Subject: RE: Legislative Intervenors and Governor Joint Deposition Schedule Proposal
Date: Friday, August 26, 2016 4:51:46 PM
Attachments: logo4df5d2

Counsel,

NCFP has a few conflicts with the DOJ's proposed calendar, and offers the following modifications in bold under the DOJ's original proffers.

- DOJ: D.H. (Charlotte) Sept 7 from 11-3

A conflict for Sept 7 has arisen for NCFP counsel, we propose D.H. (Charlotte) Sept. 6 in the AM.

- DOJ: Y.K. (Charlotte) Sept 8, either morning or afternoon

Y.K. (Charlotte) Sept. 6 in the PM after D.H. in the AM.

- DOJ: R.F. (Sanford pref.) Sept 7 in the afternoon

A conflict for Sept 7 has arisen for NCFP counsel, we propose Sept. 9, or 16.

~~- C.C. (Charlotte) Sept 8, pending availability (still waiting from NCFP)~~

NCFP hereby confirms that it does not intend to rely on the testimony of C.C. in this case and is withdrawing her as a witness.

- DOJ: D.H. (Chicago), Sept 9 in the morning

NCFP counsel is available this date.

- DOJ: E.S. (Charlotte) Sept 12, in the morning

A conflict for Sept 12 has arisen for NCFP counsel, we propose Sept. 21 or 22.

- DOJ: S.B. (Columbus) Sept 19, early afternoon

NCFP counsel is available this date.

- DOJ: Courtnay Aycock (D.C.) Sept. 30

NCFP counsel is available this date.

Thank you.

Caleb Dalton
Legal Counsel
480-444-0020 (Office)
480-388-8016 (Direct Dial)
480-444-0028 (Fax)
CDalton@ADFlegal.org
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From: Cummings, Torey (CRT) [mailto:Torey.Cummings@usdoj.gov]
Sent: Wednesday, August 24, 2016 4:45 PM
To: Cummings, Torey (CRT) <Torey.Cummings@usdoj.gov>; Robert Potter <rdpotter@rdpotterlaw.com>; 'Lareau, Alyssa (CRT)' <Alyssa_.Lareau@usdoj.gov>; Vaughan, Aria (CRT) <Aria.Vaughan@usdoj.gov>; 'Stephens, Bob' <bob.stephens@nc.gov>; 'Stewart, William' <bstewart@mgsattorneys.com>; 'Bowers, Karl' <butch@butchbowers.com>; 'Christopher Brook' <cbrook@acluofnc.org>; 'Pratt, Carolyn' <ccpratt@northcarolina.edu>; Caleb Dalton <CDalton@adflegal.org>; Stoughton, Corey (CRT) <Corey.Stoughton@usdoj.gov>; 'Chase Strangio' <cstrangio@aclu.org>; cynthia.robertson@pillsburylaw.com; David Cortman <dcortman@adflegal.org>; 'Dewart, Deborah' <debcpalaw@earthlink.net>; Bensing, Dwayne (CRT) <Dwayne.Bensing@usdoj.gov>; 'Elizabeth Gill' <egill@aclunc.org>; 'Gordon, Frank' <fgordon@mgsattorneys.com>; 'Nager, Glen' <gdnager@jonesday.com>; 'Schaerr, Gene' <GSchaerr@Schaerr-Duncan.com>; Jim Campbell <jcampbell@adflegal.org>; 'Jon Davidson' <jdavidson@lambdalegal.org>; 'James Esseks' <jesseks@aclu.org>; Joseph E. La Rue <jlarue@adflegal.org>; 'Burnham, James' <jmburnham@jonesday.com>; Newton, Jonathan (CRT) <Jonathan.Newton@usdoj.gov>; Jeremy Tedesco <jtedesco@adflegal.org>; Ken Connelly <KConnelly@adflegal.org>; 'Duncan, Kyle' <KDuncan@Schaerr-Duncan.com>; 'Kerri Elliott' <kelliott@mgsattorneys.com>; 'Kyle Palazzolo' <kpalazzolo@lambdalegal.org>; Kristen Waggoner <kwaggoner@adflegal.org>; 'Platzer, Luke C.' <LPlatzer@jenner.com>; mark@sigmonlawfirm.com; Matt Sharp <msharp@adflegal.org>; nathaniel.smith@pillsburylaw.com; 'Francisco, Noel' <njfrancisco@jonesday.com>; 'Peter Renn' <prenn@lambdalegal.org>; 'Smith, Paul M.' <PSmith@jenner.com>; 'Driscoll, Robert' <rdriscoll@mcglinchey.com>; Rand, Ripley (USANCM) <Ripley.Rand@usdoj.gov>; Keveney, Sean R (CRT) <Sean.R.Keveney@usdoj.gov>; 'Wilkens, Scott B.' <SWilkens@jenner.com>; 'Tara Borelli' <tborelli@lambdalegal.org>; 'Brooks, Tyler' <tbrooks@mgsattorneys.com>; 'Ziko, Thomas' <thomasjziko@gmail.com>; 'Tim Shail' <tshail@mgsattorneys.com>; Pellegrino, Whitney (CRT) <Whitney.Pellegrino@usdoj.gov>; 'Kristen A Lejnieks' <kalejnieks@jonesday.com>; jmgore@jonesday.com; Phoenix, Candyce (CRT) <Candyce.Phoenix@usdoj.gov>; Leah McDowell <leahdmcdowell@gmail.com>; chris@osbornconflictresolution.com; The Law Firm of Curt C. Hartman <hartmanlawfirm@fuse.net>; Lee, Jason (CIV) <Jason.Lee3@usdoj.gov>; Berwick, Benjamin L. (CIV) <Benjamin.L.Berwick@usdoj.gov>; Gardner, Joshua E (CIV) <Joshua.E.Gardner@usdoj.gov>; Nestler, Emily B. (CIV) <Emily.B.Nestler@usdoj.gov>; de Kervor, Dylan (CRT) <Dylan.Dekervor@usdoj.gov>; Carney, Chris (CRT) <Chris.Carney2@usdoj.gov>
Subject: RE: Legislative Intervenors and Governor Joint Deposition Schedule Proposal

Counsel,

I inadvertently left out one additional proposal in my previous email.

DOJ also would like to move Aycock from Sept 23 to Sept 30.

Thank you.

Torey B. Cummings
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section
950 Pennsylvania Ave., NW
Washington, DC 20530
Office: (202) 305-4204
Cell: (202) 598-9267

From: Cummings, Torey (CRT)
Sent: Wednesday, August 24, 2016 2:56 PM
To: 'Robert Potter'; 'Lareau, Alyssa (CRT)'; Vaughan, Aria (CRT); 'Stephens, Bob'; 'Stewart, William'; 'Bowers, Karl'; 'Christopher Brook'; 'Pratt, Carolyn'; 'Dalton, Caleb'; Stoughton, Corey (CRT); 'Chase Strangio'; cynthia.robertson@pillsburylaw.com; 'David Cortman'; 'Dewart, Deborah'; Bensing, Dwayne (CRT); 'Elizabeth Gill'; 'Gordon, Frank'; 'Nager, Glen'; 'Schaerr, Gene'; 'Campbell, James'; 'Jon Davidson'; 'James Esseks'; 'La Rue, Joseph'; 'Burnham, James'; Newton, Jonathan (CRT); 'Jeremy Tedesco'; 'Co nnelley, Kenneth'; 'Duncan, Kyle'; 'Kerri Elliott'; 'Kyle Palazzolo'; 'Waggoner, Kristen'; 'Platzer, Luke C.'; mark@sigmonlawfirm.com; 'Sharp, Matthew'; nathaniel.smith@pillsburylaw.com; 'Francisco, Noel'; 'Peter Renn'; 'Smith, Paul M.'; 'Driscoll, Robert'; Rand, Ripley (USANCM); Keveney, Sean R (CRT); 'Wilkens, Scott B.'; 'Tara Borelli'; 'Brooks, Tyler'; 'Ziko, Thomas'; 'Tim Shail'; Pellegrino, Whitney (CRT); 'Kristen A Lejnieks'; jmgore@jonesday.com; Phoenix, Candyce (CRT); Leah McDowell; chris@osbornconflictresolution.com; The Law Firm of Curt C. Hartman; Lee, Jason (CIV); Berwick, Benjamin L. (CIV); Gardner, Joshua E (CIV); Nestler, Emily B. (CIV); de Kervor, Dylan (CRT); Carney, Chris (CRT)
Subject: RE: Legislative Intervenors and Governor Joint Deposition Schedule Proposal

Dear Counsel,

Thank you for sending the proposed calendar. DOJ has a few conflicts with your calendar and proposes the following modifications:

- move AN from Aug 29 to Sept 1 or 2 (Raleigh)
- move Sheriff Harrison from Sept 6 to Sept 13, 14, 15 or 16
- move Solomon from Sept 19 to Sept 15 or 16 (Raleigh)
- move Fraser from Sept 22 to Sept 30 (please note Sept 30 is the only day she is available, aside from weekends)
- move Brown from to Sept 30 to Sept 26 or 27
- move Meyer to a date prior to Sept 30 and hold the deposition in DC or Baltimore
- We would prefer to move Lanning to Sept 28, 29, or 30, if possible, but if the 26th is the only day he is available, we can make that work

In addition, we propose the following dates for the NCFP witnesses:

- D.H. (Charlotte) Sept 7 from 11-3
- R.F. (Sanford pref.) Sept 7 in the afternoon
- Y.K. (Charlotte) Sept 8, either morning or afternoon

- C.C. (Charlotte) Sept 8, pending availability (still waiting from NCFP)
- D.H. (Chicago), Sept 9 in the morning
- E.S. (Charlotte) Sept 12, in the morning
- S.B. (Columbus) Sept 19, early afternoon

We note you have proposed making Margaret Spellings available in Chapel Hill for "the morning of Sept 20." Does this mean that you intend to limit the time for her deposition in some way different from the federal rules?

Thank you.

Torey B. Cummings
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Civil Rights Division
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Washington, DC 20530
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From: Robert Potter [mailto:rdpotter@rdpotterlaw.com]
Sent: Tuesday, August 23, 2016 8:35 PM
To: 'Lareau, Alyssa (CRT)'; Vaughan, Aria (CRT); 'Stephens, Bob'; 'Stewart, William'; 'Bowers, Karl'; 'Christopher Brook'; 'Pratt, Carolyn'; 'Dalton, Caleb'; Stoughton, Corey (CRT); 'Chase Strangio'; cynthia.robertson@pillsburylaw.com; 'David Cortman'; 'Dewart, Deborah'; Bensing, Dwayne (CRT); 'Elizabeth Gill'; 'Gordon, Frank'; 'Nager, Glen'; 'Schaerr, Gene'; 'Campbell, James'; 'Jon Davidson'; 'James Esseks'; 'La Rue, Joseph'; 'Burnham, James'; Newton, Jonathan (CRT); 'Jeremy Tedesco'; 'Co nnelley, Kenneth'; 'Duncan, Kyle'; 'Kerri Elliott'; 'Kyle Palazzolo'; 'Waggoner, Kristen'; 'Platzer, Luke C.'; mark@sigmonlawfirm.com; 'Sharp, Matthew'; nathaniel.smith@pillsburylaw.com; 'Francisco, Noel'; 'Peter Renn'; 'Smith, Paul M.'; 'Robert Potter'; 'Driscoll, Robert'; Rand, Ripley (USANCM); Keveney, Sean R (CRT); 'Wilkens, Scott B.'; 'Tara Borelli'; 'Brooks, Tyler'; 'Ziko, Thomas'; Cummings, Torey (CRT); 'Tim Shail'; Pellegrino, Whitney (CRT); 'Kristen A Lejnieks'; jmgore@jonesday.com; Phoenix, Candyce (CRT); Leah McDowell; chris@osbornconflictresolution.com; The Law Firm of Curt C. Hartman
Subject: Legislative Intervenors and Governor Joint Deposition Schedule Proposal

Dear Counsel:

I am enclosing a calendar representing our joint defense proposal for fact and expert depositions. This includes all the witnesses for whom ACLU and DOJ have provided availability together with the witnesses for the Legislative Intervenors and the Governor. It does not include NCFP witnesses whose availability was provided earlier this evening by separate e-mail.

The calendar is organized by week with two fact depositions in the week of August 29 and fact and expert depositions continuing thereafter. For dates after September 4, the fact depositions are in the upper half of each week and the expert depositions in the lower half. This proposal should accommodate both your witness' availability, our witness' availability and the availability of our attorneys.

The schedule does not reflect ACLU witnesses for whom availability has not yet been provided. And it does not reflect the three rebuttal witnesses recently identified by DOJ. Please let us know that availability as soon as possible or let us know that you do not plan on calling those witnesses.

Thank you very much. If you have any questions, please let me know.

Sincerely,
Robert D. Potter, Jr.
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2820 Selwyn Ave., #840
Charlotte, NC 28209
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Telephone: (704) 552-7742

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